

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:15-CR-00329-D-1

UNITED STATES OF AMERICA :  
 :  
 v. :  
 :  
 DAMIEN NOWELL :

**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, pursuant to the defendant's entry of a plea of guilty as to Counts One and Two on November 14, 2017, and the November 1, 2017 jury verdict of guilty as to Counts Three and Four, the following property is hereby forfeitable pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), the latter as made applicable to criminal proceedings by 28 U.S.C. § 2461(c): \$1,482.00 in U. S. currency, \$5,100.00 in U.S. Currency, and 20 rounds of .40 caliber ammunition.

It is hereby ORDERED, ADJUDGED and DECREED:

1. Based upon the defendant's guilty plea, the jury verdict of guilty, and further evidence of record as provided to the Court at sentencing, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, subject to the provisions of 21 U.S.C. § 853(n), as

allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order shall become final as to the defendant at sentencing.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this

Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), the latter as made applicable to criminal proceedings by 28 U.S.C. § 2461(c), as required by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED. This 21 day of March, 2018.

J. C. Dever  
JAMES C. DEVER, III  
Chief United States District Judge